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TO: COMMISSIONER FOR PATENTS
ATTN: EXAMINER ROBERT
KUNEMUND

From: DAVID WEITZ, REG. NO. 38,362

FAX NUMBER: (703) 872-9306

DATE: OCTOBER 14, 2003

COMPANY: U.S. PATENT AND TRADEMARK
OFFICE

TOTAL NO. OF PAGES INCLUDING COVER: 5

PHONE NUMBER:

SENDER'S PHONE NUMBER:

(858) 731-3508

RE: U.S. APPLICATION SERIAL NO.
09/877,405 -- IDS

SENDER'S FAX NUMBER:

(858) 550-0992

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

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PHONE: (858) 731-3508 • FAX: (858) 550-0992

Patent.
SYRTECH-5002-U

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Peter R. David et al.

Serial No.: 09/877,405

Filed: June 8, 2001

For: IN SITU CRYSTAL GROWTH AND
CRYSTALLIZATION

Group Art Unit: 1765

Examiner: Robert M. Kunemund

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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO-1449. As Applicants believe that a copy of each of the items identified on the attached form PTO-1449 have previously been made of record for this application, copies are not being submitted with this IDS. However, if the Examiner would like copies of the cited references, Applicant will provide the references upon request.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

CERTIFICATE OF MAILING
(Via Facsimile)

I hereby certify that this paper (along with any referred to as being attached) is being transmitted via facsimile to Facsimile No. (703) 872-9306 on the date shown below addressed to the Commissioner For Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

October 14, 2003
Date of Deposit

Linda Johnson

Name of Person Mailing Paper

Signature of Person Mailing Paper

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SYRTECH-5002-U

INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

☒ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d) or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

☒ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

☐ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

☐ The fee due under 37 CFR § 1.17(p) is submitted herewith.

☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

STATEMENT UNDER 37 CFR § 1.97(e):

☐ Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing

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this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

- ☐ A check in the amount of _____ is enclosed for the above fee(s).
☐ Please charge to Deposit Account No. **50-2256** for the above fee(s).

Although Applicants do not believe any fees are required, the Commissioner is authorized to charge any fees required by the filing of these papers to Syrrx's Deposit Account No. **50-2256**.

Respectfully submitted,

SYRRX, INC.

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Dated: October 14, 2003

By: _____

David J. Weitz
David J. Weitz
Reg. No. 38,362

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